

In the  
**Indiana Supreme Court**



IN THE MATTER OF THE )

APPROVAL OF LOCAL RULES )

FOR SHELBY COUNTY )

Case No. '

**73S00-1305-MS-352**

ORDER APPROVING AMENDED LOCAL RULES

The judges of the Shelby Circuit and Superior Courts request the approval of amended local rules for appointment of special judges in accordance with Ind. Trial Rule 79 and Ind. Criminal Rule 2.2, and regulation of court reporter services in accordance with Ind. Administrative Rule 15. Attached to this Order are the proposed amended local rules.

Upon examination of the proposed rule amendments requested by the Shelby Circuit and Superior Courts, this Court finds that the proposed rule amendments, LR73-TR76 Rule 2, LR73-CR2.2 Rule 1 and LR73-AR15 Rule 1 comply with the requirements of Ind. Trial Rule 79, Ind. Criminal Rule 2.2, and Ind. Administrative Rule 15, and accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that Shelby County Local Rules, LR73-TR76 Rule 2, LR73-CR2.2 Rule 1 and LR73-AR15 Rule 1, set forth as an attachment to this Order, are approved effective May 1, 2013, provided further that the rules shall be posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website.

The Clerk of this Court is directed to forward a copy of this Order to the Hon. Charles D. O'Connor, Jr., Shelby Circuit Court, 407 South Harrison Street, Shelbyville, IN 46176-2170; the Hon. Jack A. Tandy, Shelby Superior Court, 407 South Harrison Street, Shelbyville, IN 46176-2170; the Hon. David N. Riggins, Shelby Superior Court, 407 South Harrison Street, Shelbyville, IN 46176-2170; to the Clerk of the Shelby Circuit and Superior Courts; and to the Division of State Court Administration. The Clerk is also directed to post this Order on the Court's website.

The Clerk of the Shelby Circuit and Superior Courts is directed to enter this Order and attachment in the Record of Judgments and Orders for the Courts, to post this Order and

attachment for examination by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website.

DONE at Indianapolis, Indiana, on May 6<sup>3</sup>, 2013.

A handwritten signature in black ink, appearing to read "Brent E. Dickson", written over a horizontal line.

Brent E. Dickson  
Chief Justice of Indiana

## **LR73-AR15 RULE 1 COURT REPORTER SERVICES**

### **1.1 Definitions**

The definitions contained in Administrative Rule 15(B) are adopted for use in this Rule and control any question of interpretation. For the purposes of this Rule, the Regular Hours worked by the Court Reporting Staff shall be Monday through Friday from 8:00 a.m. until 12:00 noon and from 1:00 p.m. until 4:00 p.m. or as otherwise ordered by the Court. The Work Week shall be a seven day period beginning on Sunday and ending on Saturday of each week and shall contain thirty-five (35) hours for which salaried compensation shall be paid.

### **1.2 Compensation**

The Court Reporter shall work under the control, direction and direct supervision of the Court during all hours of employment and shall be paid an annual salary for regular hours worked during a Work Week. The salaries shall be set by the Court and approved by the County Council. Gap Hours (the 5 hours between 35 and 40 hours per week) shall be compensated in time off from work in an amount equal to the number of Gap Hours worked or by payment of regular time as directed by the court. Overtime Hours shall be compensated in an amount equal to one and one-half (1 ½) times the number of Overtime Hours worked in excess of 40 hours per week.

### **1.3 Duties and Responsibilities**

The duties of a Court Reporter shall include Reporting the evidence presented in Court proceedings; Preservation and storage of reported testimony and any physical evidence presented in Court proceedings; Preparation of Chronological Case Summary entries at the direction of the Court and providing notice thereof as required by the Rules of Trial Procedure; Preparation of written documents to effectuate the rulings, orders and judgments of the Court or to comply with the Rules of the Indiana Supreme Court; Preparation of transcripts of evidence presented in Court proceedings requested pursuant to the Rules of Trial Procedure; and, Such other functions and responsibilities as required by law or the Court for its effective administration.

### **1.4 Maximum Per Page Fee**

#### **1.4.1 A Court Reporter shall not charge more than the following per page:**

- 1.4.1.1 \$5.00 for a transcript of evidence for appealed cases. The Court Reporter shall submit a claim directly to the county for the preparation of any county indigent transcripts of evidence.
- 1.4.1.2 \$5.00 for state/county indigent transcript of evidence for appealed cases;
- 1.4.1.3 \$5.00 for civil transcripts of evidence for appealed cases;
- 1.4.1.4 \$5.00 for non-appeal transcripts;
- 1.4.1.5 \$4.00 for deposition transcripts and \$1.50 for copies if Reporter elects to use Court facilities, equipment and/or supplies in the exercise of her private practice;
- 1.4.1.6 \$7.25 for expedited transcripts
- 1.4.1.7 \$1.75 for copies of transcripts.

2. Court Reporter shall be allowed \$5.00 for each transcript disk provided.

3. Court Reporter's Certification fee for transcripts shall be \$10.00.

4. Each Court Reporter shall annually report all compensation received for transcripts to the Indiana Supreme Court Division of State Court Administration.

## 1.5 Private Practice

5.1 A Court Reporter may elect to engage in the private practice of recording of and preparation of deposition transcripts. Such activity, regardless of whether the deposition concerns a case pending before the Court, shall be conducted outside of regular working hours. If a Reporter, in the exercise of such private practice, utilizes, with the consent of the Court, Court facilities, equipment and/or supplies, the Reporter shall reimburse the Court for such usage pursuant to a written agreement between the Court and Reporter.

5.2. Such agreement shall establish the:

5.2.1 Reasonable market rate for the use of equipment, facilities and supplies;

5.2.2 Method by which records are kept for the use of the same; and,

5.2.3 Method by which the Reporter shall reimburse the Court for such usage.

### **LR73-CR2.2 Rule 1 Criminal Caseload Assignment (Effective Sept 1, 2011)**

- 1.1 All misdemeanors and class D Felony cases under Indiana Code 9-30-5 *et seq* shall be filed in Shelby Superior No. 2;
- 1.2 All A, B, & C felonies (including murder) shall be assigned on a random basis among the three courts by the Shelby County Clerk with Shelby Superior No. 1 receiving forty-five percent (45%) of said cases, Shelby Circuit receiving forty-five percent (45%) of said cases and Shelby Superior No. 2 receiving ten percent (10%) of said cases. Except for the D felony cases under Indiana Code 9-30-5 *et seq*, the remaining D felony cases shall be allocated 45% each to Superior Court 2 and Circuit Court and the remaining 10% to Shelby Superior Court I.
- 1.3 The most serious level of charge filed determines if the case is assigned automatically to Shelby Superior No. 2 or if the case is randomly assigned by the Shelby County Clerk;
- 1.4 When the State of Indiana dismisses a pool felony case and chooses to refile that case, the case shall be assigned to the court from which dismissal was taken;
- 1.5 All co-defendants in pool felony cases shall be assigned to the same court based upon a single random draw by the Shelby County Clerk;
  - 1.5.1 The Shelby County Prosecutor's Office shall notify the Clerk at the time of filing if the cases involve co-defendants. Each case will be assigned an individual cause number. For purposes of this Rule, the cases involve co-defendants as provided by I.C. 35-34-1-9 and amendments thereto.
- 1.6 Except in felony cases involving co-defendants as defined above, any new pool felony case filed against a defendant who has an open pool felony case already pending in any Court, shall be assigned to the Court where the current case is pending. The Shelby County Prosecutor's Office shall notify the Clerk at the time of filing if the defendant has a pending pool felony case.
- 1.7 A judge of Shelby Circuit or a Superior Court may, by appropriate order entered in the Record of Judgments and Orders, transfer and reassign to any other court of record in the county with jurisdiction to hear the charged offense(s), any pending case subject to acceptance by the receiving court, where the interests of justice or the interest of judicial economy so require.
- 1.8 The prosecuting attorney or the defendant may seek to transfer a case, and upon good cause shown, a case may be transferred to any of the other courts for consolidation with a companion case, or with other cases pending in that court against the defendant with the acceptance of the judge of the receiving court.
- 1.9 Selection of a Special Judge in a Criminal Case will be conducted pursuant to **Indiana Judicial Administrative District Rule DR17-CR13-00003.**
- 1.10 Reserved.

**LR73-TR76 RULE 2**

**SELECTION OF SPECIAL JUDGE**

2.1 Selection of a Special Judge in a Civil Case shall be conducted pursuant to **Indiana Judicial Administrative District Rule DR17-TR79-00002**.

2.2- **Reserved**

2.3- **Reserved**

2.4 **Reserved**

2.5 **Reserved**